

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA, : Case No. 1:17-cr-00269-1  
Plaintiff, :  
vs. : ORDER  
JESUS CARO LOPEZ, :  
Defendant. :  
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JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Jesus Caro Lopez moved for a sentence reduction under the compassionate-release statute.<sup>1</sup> Lopez's motion argued, in part, that a nonretroactive sentencing-law change presented an extraordinary and compelling reason for relief.<sup>2</sup>

When Lopez filed his motion, the Sixth Circuit had issued conflicting decisions about whether district courts could consider nonretroactive sentencing-law changes when deciding compassionate-release motions.<sup>3</sup> But the en banc Sixth Circuit appeared ready to resolve the intracircuit split in *United States v. McCall*.<sup>4</sup>

On June 7, 2022, the Court granted the Government's motion to hold Lopez's motion in abeyance pending the Sixth Circuit's *McCall* decision.<sup>5</sup>

On December 22, 2022, the Sixth Circuit issued its *McCall* decision.<sup>6</sup> The en banc court held that nonretroactive sentencing-law changes do not provide extraordinary and

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<sup>1</sup> Doc. 68; 18 U.S.C. § 3582(c)(1)(A)(ii). Courtney's counsel supplemented his pro se motion. Doc. 70.

<sup>2</sup> Doc. 70 at 2–5 (PageID 1110–13).

<sup>3</sup> See *United States v. McCall*, 21-3400, 2022 WL 17843865, at \*2 (6th Cir. Dec. 22, 2022) (describing the split).

<sup>4</sup> *United States v. McCall*, 29 F.4th 816 (6th Cir. 2022) (mem.) (granting rehearing en banc).

<sup>5</sup> Doc. 73.

<sup>6</sup> *McCall*, 2022 WL 17843865 (6th Cir. Dec. 22, 2022).

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compelling reasons to grant compassionate release.<sup>7</sup>

Now, the Court **LIFTS THE STAY** on Lopez's motion and **ORDERS** the Government to respond to Lopez's motion within 21 days of this order. The Court further **ORDERS** Lopez to file any reply within 14 days of the Government's response.

IT IS SO ORDERED

Dated: June 14, 2023

*s/ James S. Gwin*  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE

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<sup>7</sup> *McCall*, 2022 WL 17843865, at \*5–11 (6th Cir. Dec. 22, 2022)